

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEN AIKENS,

Plaintiff,

Case No. 23-cv-11613

Honorable Linda V. Parker

v.

KIRK STEVENSON, et al.

Defendants.

**OPINION AND ORDER ADOPTING MAGISTRATE JUDGE’S MAY 3,
2024 REPORT AND RECOMMENDATION AND DENYING
DEFENDANTS’ MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff commenced this civil rights action against Defendants on July 6, 2023. Defendants have filed motions for summary judgment on exhaustion grounds. (ECF Nos 18, 24.) The matter has been assigned to Magistrate Judge David R. Grand for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B). (ECF No. 9.)

On May 3, 2024, Magistrate Judge Grand issued a report and recommendation (“R&R”) recommending that the Court deny Defendants’ motions. (ECF No. 36.) At the conclusion of the R&R, Magistrate Judge Grand advises the parties that they may object to and seek review of the R&R within

fourteen days of service upon them. (*Id.* at PageID. 229.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*)

While Magistrate Judge Grand served the parties with the R&R on the date it was issued (*see* 5/3/24 Text Entry), Plaintiff submitted a notice of an address change on the same date which was not filed until May 10 (ECF No. 37). This Court therefore resent the R&R to Plaintiff and awaited additional time for any objections to the R&R. As of this date, no objections have been filed.

The Court therefore deems any objections waived and is adopting the R&R.

Accordingly,

IT IS ORDERED that Defendants’ motions for summary judgment on exhaustion grounds (ECF Nos. 18, 24) are **DENIED**.

s/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 26, 2024

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 26, 2024, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan
Case Manager